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**WEIGHTS & MEASURES**  
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## CERTIFIED PRODUCER (CP) CERTIFICATE APPLICATION

To participate in a certified farmers' market (CFM), a producer of fresh fruits, nuts, vegetables, shell eggs, honey, flowers, and nursery stock must obtain a Certified Producer Certificate (CPC) issued by the County Agricultural Commissioner (CAC). On-site inspections of the land controlled by the producers and verification of compliance with the requirements are conducted by the CAC. A CPC is valid for up to twelve months from the date of issue but no longer than the indicated expiration date on the certificate.

Forms and information for the completion of this application are attached.

### ALL APPLICANTS SUBMIT:

- ☐ Completed Application form.
- ☐ Application fees (see attached "CP Certificate Fees") and for renewals any unpaid prior inspections fees. Method of payment:
  - ☐ Check or money order payable to: *County of San Diego*.
  - ☐ Visa or MasterCard accepted with signed authorization form.
  - ☐ Cash.
- ☐ Commodities Worksheet. (Complete as best you can, inspector may assist at inspection.)

### ADDITIONAL DOCUMENTS (submit when applicable):

- ☐ Authorization form(s) to sell on behalf of no more than two other CPs. (See attached "Authorization To Sell")
- ☐ Employee Agreement form. (Additional documentation of proof of employment status may be required.)
- ☐ Farm Leases: copy of current notarized agreement. (See attached "Requirements for Farm Leases")
- ☐ Partnerships, Sharecropping Agreements, and similar Contract Agreements:
  - ☐ Proof of partnership. (i.e. Federal Tax ID number)
  - ☐ Copy of current agreement. (See attached "Requirements for Partnerships")

### RENEWALS:

- Submit application and fee 30 days prior to current CP certificate expiration date to avoid lapse. Extensions are not given.
- Certificate will only be renewed when all outstanding fees are paid in full.

### PROCESSING:

- An Agricultural Inspector will schedule your property inspection once your application packet is reviewed and all fees are received.
- The CAC office will contact you when certificate is ready for your signature.
- The certificate is signed and embossed by CAC and then issued to you.

## **CERTIFIED PRODUCERS RESOURCES/INFORMATION**

### **REGULATIONS** (copies available by request):

Specific requirements for participation in a certified farmers' market are found in:

- California Food and Agricultural Code, Division 17, Chapter 10.5.
- California Code of Regulations, Title 3 commencing with Section 1392.
- California Retail Food Code, Chapter 12.

All agricultural products, when sold or offered for sale at a certified farmers' market, shall comply with all applicable laws and regulations.

### **WEBSITES:**

- [http://www.cdfa.ca.gov/is/i\\_&c/cfm.html](http://www.cdfa.ca.gov/is/i_&c/cfm.html): California Department of Food and Agriculture - CFM Program information, links to Laws and Regulations, and market locator.
- [http://www.sdcounty.ca.gov/awm/farmers\\_markets.html](http://www.sdcounty.ca.gov/awm/farmers_markets.html): Agriculture, Weights & Measures - CFM webpage has application packets, list of San Diego markets, and civil administrative penalty guidelines (copies available by request).

### **ADDITIONAL INFORMATION:**

- Scales used to sell any agricultural products by weight must be tested and sealed by a county sealer. A copy of current registration must accompany scale.
- Organic producers must be registered and certified (if sales are more than \$5,000/year) as required by the Food & Agricultural Code.
- Packaged commodities must be labeled with identity, responsibility, and quantity in accordance with the California Code of Regulations.
- Fresh fruits, nuts, and vegetables sold outside of the Certified Farmers' Market designated area must conform to size, standard pack, container, and labeling requirements pursuant to the Food and Agricultural Code.
- See attached "Self-Inspection Checklist" as a helpful guide to complying with CFM regulations.

### **ENFORCEMENT:**

- Inspections are regularly conducted at CFMs to verify compliance with Direct Marketing law. Non-compliances may result in:
  - Notice of Violation.
  - Administrative Civil Penalty: Fines range from \$50 to \$1,000 per violation.
  - Suspension up to 18 months or revocation of Certified Producers' Certificate.
- Most common violations found are:
  - Certificate not posted/expired. (Up to \$1000 fine.)
  - Product not on certificate. (Up to \$150 fine for 2 violations in 12 months.)
  - Selling product not of own production. (\$401 to \$1,000 fine for 1<sup>st</sup> violation.)

### **PROGRAM CONTACT**

Nancy Appel, Supervising Inspector, (858) 614-7727 or [nancy.appel@sdcounty.ca.gov](mailto:nancy.appel@sdcounty.ca.gov)

**CERTIFIED PRODUCER CERTIFICATE APPLICATION**

Check one:

☐ New Application      ☐ Additions Application      ☐ Annual Certificate Renewal

NAME:	
DBA:	
ADDRESS:	
CITY AND ZIP:	
PHONE: (BUSINESS)	PHONE: (OTHER)
E-MAIL ADDRESS:	

FOR OFFICIAL USE ONLY	
CERTIFICATE NUMBER:	
COUNTY FEE: \$	PAID WITH:
DATE RECEIVED:	
ISSUING DATE:	
EXPIRATION DATE:	
AMENDED DATE:	

**Production Sites: please provide full address including zip code and parcel ID number (APN).**

1. ADDRESS & APN:		2. ADDRESS & APN:	
3. ADDRESS & APN:		4. ADDRESS & APN:	
5. ADDRESS & APN:		6. ADDRESS & APN:	
STORAGE LOCATION (A)	MONTHS IN STORAGE (A)	STORAGE LOCATION (B)	MONTHS IN STORAGE (B)

**Other Counties you plan to sell in:**

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**Certified Producers you sell for (maximum of two in one year):**

NAME:	CERTIFICATE NUMBER:	DATE DECLARED:
NAME:	CERTIFICATE NUMBER:	DATE DECLARED:

**Certified Producers that sell for you (maximum of two in one year):**

NAME:	CERTIFICATE NUMBER:	DATE DECLARED:
NAME:	CERTIFICATE NUMBER:	DATE DECLARED:

**Additional Producer Information:**

**Check all that apply:**    ☐ Own growing property    ☐ Lease growing property  
☐ Registered Organic    ☐ Licensed Nursery  
☐ Farming Partnership    ☐ Sharecropping Agreement    ☐ Similar Contractual Agreement with another person

I hereby agree to comply with the requirements of Title 3, Division 3, Chapter 1, Subchapter 4, Article 6.5 of the [California Code of Regulations pertaining to Direct Marketing](#).

**Signature Required**

**Date**

# CP COMMODITIES WORKSHEET

CERTIFIED PRODUCER NAME:	FOR OFFICIAL USE ONLY
	CERTIFICATE NUMBER:

List all commodities you produce (see examples below):

[illegible]

## CP CERTIFICATE FEES

Submit with application:

- Certified Producer's Certificate Fee, selling in:
  - San Diego County only: **\$35.00**
  - San Diego and additional county(ies): **\$40.00**
- Certificate Amendment or Addition: **\$5.00**

Pay at time of inspection:

- Site Inspection Fee: \$60.00 per hour
- Travel Charge by Zone: See zone chart below. (Applied according to zip code of inspection site.)

### TRAVEL ZONE - ZIP CODE DESTINATIONS

Zone 1: \$20.00	
91902	92114
91941	92115
91942	92116
91945	92117
91950	92118
91977	92119
92014	92120
92020	92121
92037	92122
92064	92123
92067	92124
92071	92126
92075	92127
92093	92128
92101	92129
92102	92130
92103	92131
92104	92133
92105	92134
92106	92135
92107	92136
92108	92139
92109	92140
92110	92145
92111	92155
92113	92161

Zone 2: \$40.00
91901
91910
91911
91913
91914
91915
91917
91932
91935
91978
92007
92008
92009
92019
92020
92021
92024
92025
92026
92027
92029
92040
92056
92065
92069
92083
92084
92154
92173

Zone 3: \$60.00
91906
91916
91931
91948
91962
91963
91980
92003
92028
92036 West *
92054
92055
92057
92059
92060
92061
92070
92082

Zone 4: \$80.00
91905
91934
92004
92055
92066
92086
92259
92036 East **
92536
92672

#### \*92036 West

##### Instructions:

West of Sunrise Hwy from Zip Code Boundary 91948 to Hwy 79, West of Hwy 79 to Hwy 78, North of Hwy 78 to S-2, and West of S-2 until Zip Code Boundary 92086.

#### \*\* 92036 East

##### Instructions:

East of Sunrise Hwy from Zip Code Boundary 91948 to Hwy 79, East of Hwy 79 to Hwy 78, South of Hwy 78 to S-2, and East of Hwy S-2 to Zip Code Boundary 92086.

**AUTHORIZATION TO SELL  
ON BEHALF OF ANOTHER CP**

A CP may sell on behalf of another CP at a certified farmers' market, when written authorization is submitted prior to certification and when all requirements of the California Code of Regulations Title 3, Section 1392.4 (g) are met. Authorization is valid for one year from the date declared.

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**Complete and submit with application (must be signed by both parties):**

DATE DECLARED:	
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We acknowledge, with this signed authorization, that:

- Commission sales and buying and selling between certified producers are prohibited.
- Permission to sell on behalf of another CP is contingent upon rules of each CFM.
- A CP shall not represent, nor be represented by more than two other CPs in a 12-month period. (A different CP may not be substituted until the end of that one year period.)
- Both certificates must be amended simultaneously with the names of the CPs involved in this authorization.

CP NAME (seller):	
SIGNATURE:	
DBA:	
CERTIFICATE #:	
COUNTY*:	

The above named certified producer is hereby authorized to sell on behalf of:

CP NAME (for):	
SIGNATURE:	
DBA:	
CERTIFICATE #:	
COUNTY*:	

\*If the producer you are going to sell for, or are granting permission to sell for you, is registered in another county, you must provide a photocopy of his or her certificate.

### EMPLOYMENT AGREEMENT

I \_\_\_\_\_, a Certified Producer under Title 3, Article 6.5 of the California Code of Regulations, do currently employ \_\_\_\_\_ as authorized under Section 1392.2 to sell certifiable agricultural products of my own production for me at a Certified Farmers' Market. I attest that the above named employee is a legal employee and that all compensation to this employee is based on a fixed salary and not on a commission or on a resale basis and agree that I will provide documentation for verification of this employment upon request. This agreement will be available for review at any operating certified farmers' market.

I will immediately notify the endorsing Agricultural Commissioner/Sealer upon termination or change in status of my employee.

I am aware that any violation of the Direct Marketing Regulations (Title 3, Article 6.5) by me or by my employees may result in a civil administrative penalty and/or revocation of my Certified Producer's Certificate by the Issuing County and/or my privilege to participate in a Certified Farmer's Market.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ in \_\_\_\_\_, CA.  
(Day) (Month) (Year) (County)

Renewal of this employment agreement is required upon expiration of Certified Producer's Certificate.

\_\_\_\_\_  
Certified Producer

\_\_\_\_\_  
Certificate No.

\_\_\_\_\_  
Certificate Expiration Date

### REQUIREMENTS FOR FARM LEASES\*

Every certified producer who grows on leased land must provide the CAC (County Agricultural Commissioner), **at the time of application**, with a copy of the current notarized written lease agreement which shall contain the following:

- ❑ A clear and concise accurate description of the lease property. The description shall include:
  - Present use of the property,
  - Dimensions,
  - Location, including the assessor's parcel number (APN).
- ❑ The cost of the lease.
- ❑ The beginning and ending dates of the lease.
- ❑ The date of the agreement.
- ❑ Signatures of all parties involved. A guarantee of the signatures on the agreement by a notary public executed at the time of signing by all parties.

To qualify for a certificate the producer who leases land shall:

- Assume all financial risks associated with producing agricultural products.
- Enter into the agreement prior to planting of annual and biannual crops.
- Enter into the agreement prior to or within 30 days after preparing perennial field crops for the subsequent cropping pattern.
- Enter into the agreement prior to bloom of the tree and vine crops.
- Perform agricultural production upon the leased land.
- Provide additional documentation as required.\*

Report any changes in lease immediately to the CAC. Changes in the terms of the lease agreement may invalidate a certified producer's certificate issued under such terms. Return all embossed certificate copies to the CAC when invalidated.

\* Reference: *California Code of Regulations, Title 3, Section 1392.9.2*



**REQUIREMENTS FOR PARTNERSHIPS, SHARECROPPING,  
AND OTHER SIMILAR CONTRACTUAL AGREEMENTS\***

Every certified producer that enters into a partnership or similar contractual agreement must provide the CAC (County Agricultural Commissioner), **at the time of application**, with a copy of the current notarized written agreement which shall contain the following:

- ☐ A clear and concise accurate description of the lease property. The description shall include:
  - Present use of the property,
  - Dimensions,
  - Location, including the assessor's parcel number (APN).
- ☐ A description of each party's financial and material input, and each party's involvement in the agricultural production.
- ☐ The date of the agreement.
- ☐ Signatures of all parties involved. A guarantee of the signatures on the agreement by a notary public executed at the time of signing by all parties.
- ☐ Statement of verification that the farm property is under exclusive control of the partnership.

To qualify for a certificate the producer who leases land shall:

- Enter into the agreement prior to planting of annual and biannual crops.
- Enter into the agreement prior to or within 30 days after preparing perennial field crops for the subsequent cropping pattern.
- Enter into the agreement prior to bloom of the tree and vine crops.
- Perform agricultural production upon the leased land.
- Provide additional documentation as required.

Report any changes in agreement immediately to the CAC. Changes in the terms of the agreement may invalidate a certified producer's certificate issued under such terms. Return all embossed certificate copies to the CAC when invalidated.

\* Reference: *California Code of Regulations, Title 3, Section 1392.9.1*

SELF-INSPECTION CHECKLIST – CERTIFIED PRODUCERS  
CERTIFIED FARMERS' MARKET

REQUIREMENTS	COMPLIES			REMARKS
	Yes	No	N/A	
<b>CERTIFIED SECTION</b>				
<b><i>Certified Producers (CPs)</i></b>				
Certificates valid and posted at booth.				
Sellers are producers, immediate family members, or direct employees of producers.				
Sells only agricultural products.				
All products of CPs own production.				
All certifiable products on certificate.				
Product complies with maturity and quality standards.				
<b><i>Certified Producers selling for other CPs</i></b>				
CP selling own products.				
CP names cross referenced.				
CPs products separated and identified.				
<b><i>Load Lists</i></b>				
Load list completed each market day.				
Lists complete with: <ul style="list-style-type: none"> <li>• producer name and certificate number.</li> <li>• identity of product as appears on certificate.</li> <li>• quantity sold at market.</li> <li>• name and date of market.</li> </ul>				
<b>ALL SECTIONS OF MARKET</b>				
<b><i>Organic</i></b>				
Valid Registration. Registration number.				
Proof of Certification (over \$5,000/yr).				
Other claims (i.e. no pesticides) true.				
<b><i>Avocados</i></b>				
Certificate of Maturity.				
Exemption Permit.				
<b><i>Eggs</i></b>				
Labeling (on package or placard) has: <ul style="list-style-type: none"> <li>• Size and grade.</li> <li>• Sell by date and pack date.</li> <li>• Packer ID number.</li> <li>• "Keep Refrigerated".</li> </ul>				
Refrigeration: kept at 45 degrees. (Unless in certified section and meets DEH* conditions.)				
<b><i>Weights &amp; Measures</i></b>				
Prepackaged products are labeled with: <ul style="list-style-type: none"> <li>• Identity.</li> <li>• Responsibility.</li> <li>• Quantity (net weight).</li> </ul>				
Scales are sealed.				

\*Department of Environmental Health